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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CALIFORNIA EDUCATION COMMITTEE, LLC and PRISCILLA SCHREIBER, Plaintiffs, v. ARNOLD SCHWARZENEGGER, in his official capacity as Governor of the State of California; EDMUND G. BROWN, JR., in his official capacity as Attorney General of the State of California; JACK O'CONNELL in his official capacity as California Superintendent of Public Instruction; and DOES 1 through 20 inclusive, Defendants.	Case No.: 07-CV-02246-BTM-WMC Judge: Hon. Barry Ted Moskowitz **DECLARATION OF CAROLYN LAUB IN SUPPORT OF GAY-STRAIGHT ALLIANCE NETWORK'S MOTION TO INTERVENE AS A PARTY DEFENDANT**

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DECLARATION OF CAROLYN LAUB

I, Carolyn Laub, hereby declare:

1. I am a Founder and Executive Director of the Gay-Straight Alliance Network (the "GSA Network"). I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows:

2. Founded in 1998, the GSA Network is a youth-driven public interest organization made up of lesbian, gay, bisexual, transgender, ("LGBT") and heterosexual students and supportive adults who are dedicated to eliminating harassment, discrimination, and intolerance toward LGBT students in schools, particularly in high schools in California. GSA Network has approximately 10,000 student members and 1,000 adult supporters, including teachers, school administrators, and school counselors. GSA Network is headquartered in San Francisco and operates programs throughout California.

3. One of the core purposes of the GSA Network is to further the same goals that the California hate crimes statute, Senate Bill 777 (SB 777), and other statutes that prohibit discrimination in publicly-funded California schools are designed to achieve – namely, to combat discrimination, harassment, and hate violence on the basis of sexual orientation and gender identity and to create safe school environments that are free from bias against lesbian, gay, bisexual, and transgender students.

4. One of the ways the GSA Network achieves its purpose is by empowering lesbian, gay, bisexual, transgender and heterosexual student members to form and maintain local, school-based, student-run clubs, called "gay-straight alliances" or "GSAs," in high schools and middle schools throughout California. Many of the members of GSA Network are LGBT students who are the primary intended beneficiaries of SB 777.

5. Many GSA Network members have experienced discrimination, harassment, and hate violence in publicly-funded California schools based on their actual or perceived sexual orientation or gender identity. GSA Network members are also at risk of future discrimination, harassment, and hate violence in publicly-funded California schools.

6. The GSA Network currently has 654 registered Gay-Straight Alliance (GSA) clubs throughout California (representing more than 45% of the state's high schools), including 43 GSA clubs registered in San Diego County, 21 registered in Riverside County, and 152 registered in Los Angeles County. There are GSA clubs at Grossmont Union High School and at Murrietta Valley High School. GSA clubs generally meet at school and most GSA clubs have a faculty advisor. The GSA Network maintains a database of registered GSA clubs and the names of their faculty advisors and student leaders, and of individual members of the GSA Network.

7. To achieve its purpose, the GSA Network helps its student members work with school administrators and legislators to enact and implement laws and policies that prevent harassment, discrimination, and violence based on actual or perceived sexual orientation and gender identity. The GSA Network has worked closely with students throughout California to organize for the passage of statewide legislation that supports and protects LGBT students in publicly-funded California schools.

8. Student members of the GSA Network worked with the GSA Network to lobby for the passage of SB 777. The GSA Network helped its members and other students speak to state Senators and Assembly Members about their personal experiences of harassment, discrimination, and hate violence in school and about why legal protections are necessary to keep them safe in school and create an equal learning environment. The GSA Network also produced educational materials about SB 777, arranged for a GSA student member to testify in front of the Senate Judiciary Committee, spearheaded a postcards to the Governor campaign for GSA clubs, and organized a statewide campaign called, "Week of Action: Speak Out to Schwarzenegger," urging GSA members to call the Governor's office in support of SB 777.

9. The GSA Network was also instrumental in the passage of the California Student Safety and Violence Prevention Act of 2000 (AB 537). These efforts included organizing a Youth Lobby Day, which brought together GSA members and students from

across the state to speak to legislators, and developing educational materials for GSA members about the scope of the bill.

10. Another way that the GSA Network achieves its purpose of combating harassment and discrimination in California schools is by providing GSA members with resources such as fact sheets on their legal rights, ideas for how to begin and improve GSA clubs, guidance on how to garner peer, teacher, and administrative support for LGBT students, and advice for how to work with teachers and administrators to implement AB 537 and address harassment and discrimination against LGBT students.

11. The GSA Network provides leadership training programs that enable student leaders to effect positive change in their schools and support an atmosphere that is free from discriminatory bias based on sexual orientation and gender identity. Leadership trainings consist of curricula on legal rights relating to student safety, on how students can implement their legal rights, including how to file a complaint, and on how to educate others about their rights. In addition to the training programs during the school year, the GSA Network also leads two or three summer camps each year, where at least 50 youth leaders learn skills to enable them to address discrimination and harassment in their schools.

12. The GSA Network also coordinates two youth conferences each year, attended by over 500 students: the Youth Empowerment Summit in San Francisco and the Expression Not Suppression conference in Fresno. Every GSA member in California is invited to attend. The GSA Network conducts workshops to educate students and administrators about legal rights related to LGBT student safety at numerous conferences throughout the state, such as "Models of Pride," which is an annual youth conference at Occidental College in Los Angeles and attended by hundreds of students each year.

13. The GSA Network is also a co-founder and member of the California Safe Schools Coalition (the "Coalition"), a statewide partnership of organizations and individuals dedicated to eliminating discrimination and harassment on the basis of actual or perceived sexual orientation and gender identity in California schools. The Coalition's chief goal is to

ensure the effective and comprehensive implementation of the protections against discrimination and harassment based on actual or perceived sexual orientation and gender identity in California Education Codes sections 200, 201, and 220. The Coalition achieves this goal through coalition building, advocating for effective implementation of the safe schools law with the California Department of Education and other statewide education agencies, conducting research and evaluation regarding anti-LGBT harassment and the specific solutions that schools can undertake to create safer school climates, and engaging in policy advocacy at both the local and state level.

14. The GSA Network was actively involved in a recent Coalition study that examined the incidence and effects of harassment based on sexual orientation and gender identity in California schools. The findings of this study, published in the Coalition's 2004 *Safe Place to Learn Report*, showed that LGBT students are harassed at high rates in California schools and that harassment based on sexual orientation has dangerous consequences for students in California.

15. On October 15, 2007, GSA Network members testified at a hearing on school safety for transgender students, sponsored by Senator Sheila Kuehl and the Senate Select Committee on School Safety. The GSA Network, Equality California, and the Coalition were the lead community organizers for this hearing. Two transgender GSA Network student members testified at the hearing about the harassment and discrimination they faced in school based on their gender identity. I testified as to the pervasive nature of this problem and highlighted strategies that would result in better implementation of California's school safety laws. Parents of transgender and gender nonconforming students, school administrators, legal experts, and safe schools researchers also attended the hearing and testified in support of transgender students.

16. Through its involvement as a leader in the National Safe Schools Roundtable, a network of approximately 40 organizations from across the country that are working to prevent discrimination and harassment based on sexual orientation and gender identity in schools, the

GSA Network is intimately familiar with the nature, scope, and impact of discrimination against LGBT students and with the development of school non-discrimination laws across the country.

17. GSA Network student members have a significant interest in attending school in a welcoming environment where they have equal access to education and are not harassed or discriminated against. The safety and well being of the GSA Network's student members would be adversely affected if the prohibitions against hate violence based on sexual orientation and gender in the California hate crimes statute and Education Code sections 220, 210.7, 212.6, and 51500 as amended by SB 777 were found unconstitutional.

18. The adult members of the GSA Network, as GSA faculty advisors, have an interest in ensuring that schools are appropriately enforcing and applying California's non-discrimination laws and are eliminating the hostile environment that exists for many GSA student members and other students because of their actual or perceived sexual orientation or gender identity. Many of the adult members of the GSA Network are teachers and school administrators who have almost 7 years experience applying and enforcing AB 537 and California's definition of gender in Section 422.56 of the California Penal Code in the state's schools.

19. The GSA Network has participated in other lawsuits that sought to enforce California laws that protect LGBT students. The GSA Network was a plaintiff in *Ngoun v. Wolf*, U.S. District Court for the Central District of California Case No. SACV-05-868, and *Paramo v. Kern Union High School District*, Kern County Superior Court Case No. S-1500-CV-255519, both of which sought to enforce California's prohibition against discrimination on the basis of sexual orientation in schools under Education Code section 220 – the same statute challenged in this lawsuit. The GSA Network was also a plaintiff in *Ramirez v. Los Angeles Unified School District*, U.S. District Court Central District of California Case No. CV04-8923, and *Gay-Straight Alliance Network v. Visalia Unified School District*, U.S. District Eastern

District of California Case. No. F-00-6616, both of which sought to enjoin harassment against gay and lesbian public school students in California.

I declare under penalty of perjury of the laws of the State of California and in the United States that the foregoing is true and correct. Executed this 21st day of December, 2007 in San Francisco, California.

[signature]

Carolyn Laub